

MEETING OF THE BOARD OF HEALTH

SEPTEMBER 23, 2014

The Board of Health met in regular session on September 23, 2014, at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Grossman, Guy, Askvig and President Seminary.

1. Welcome & Call to Order
2. Refugees in the City of Bismarck – Deb Hoffman, RN

Since Fiscal year 2010, the City of Bismarck has received 66 refugees. Bismarck-Burleigh Public Health has served 60 of them. Bismarck has settled mostly individuals from Iraq. We have had one family from Ukraine and one family that recently arrived is from Somalia.

3. Chronic Disease Grant Update – Katie Johnke, LRD

Bismarck-Burleigh Public Health applied for funding from the ND Department of Health Division of Chronic Disease and we will be awarded \$23,000 to follow-through with the grant work-plan that was submitted. Bismarck-Burleigh Public Health plans to target pre-diabetic residents, including the Native American population, in Bismarck and the surrounding area by implementing the National Diabetes Prevention Program (DPP) in our community. This is a 16 week program that focuses on nutrition and physical activity education and promotion for the enrolled participants.

There is a definite need for a diabetes prevention program in this community. According to the 2014 North Dakota Diabetes Report, an estimated 184,000 North Dakotans have pre-diabetes, which, if not addressed, will result in 5 to 10 percent of these cases progressing to diabetes each year. Consistent with the previous report, BBPH's Community Health Assessment also ranked diabetes in the top five current and future health concerns of the community.

Diabetes is not only harmful to our health, but also to our pocketbook. In 2007, diabetes cost North Dakota over \$400 million dollars. If North Dakota follows the national trend, in 2012, diabetes will cost North Dakota \$560 million. Nonetheless, type 2 diabetes and other chronic diseases can be prevented by making lifestyle changes in the areas of nutrition and physical activity. The DPP aims toward prevention of type 2 diabetes through healthy eating, weight loss and regular physical activity.

We plan to build a network of trained DPP lifestyle coaches and reach out to the major medical providers for their support and promotion of the DPP to their patients. Sanford, St. Alexius, and UND Center for Family Medicine will play significant roles in referring

individuals with pre-diabetes and these community-clinical linkages will play a major role in successful implementation of the program. The DPP evidence clearly shows that a weight loss of 7 percent and a minimum of 150 minutes of moderate physical activity each week have shown to prevent or delay Type 2 diabetes. These can both be achieved through lifestyle changes and behavior modifications.

President Seminary asked Ms. Johnke to explain the differences between Type 1 and Type 2 diabetes. He also asked to tell the audience the two best, healthy ways to prevent contracting Type 2 diabetes. Type 1 diabetes is when your body doesn't produce insulin; normally onset is in children and is managed by insulin pump or injections. Type 2 diabetes can normally be managed by diet and exercise but if that doesn't work then medication is necessary. Type 2 is normally related to overweight/obesity and genetics/family history. Diet and exercise is really the best way to prevent Type 2 diabetes.

Commissioner Askvig asked Ms. Johnke if they touch on the connection between locally sourced food and healthy eat. Ms. Johnke said the program is adaptable to the population.

4. Ebola Virus – Renae Moch for Crystalynn Kuntz

An epidemic of Ebola virus disease (EVD) is ongoing in West Africa. The outbreak began in Guinea in December 2013, but was not detected until March 2014 after which it spread to Liberia, Sierra Leone, and Nigeria. The outbreak is caused by the Zaire Ebola virus, known simply as the Ebola virus (EBOV). It is the most severe outbreak of Ebola in terms of the number of human cases and deaths since the discovery of the virus in 1976, with the number of cases from the current outbreak now outnumbering all cases from previous outbreaks combined. In addition to the four main countries in Africa affected one case has been confirmed in Senegal. No deaths or further suspected cases have been reported in Senegal. The case is in a man from Guinea who traveled to Senegal. The Democratic Republic of the Congo (DRC) has reported cases of Ebola. These cases are not related to the ongoing outbreak of Ebola in West Africa but are a separate stain of Ebola.

As of 13 September 2014, the World Health Organization (WHO) and the Centers for Disease Control (CDC) reported a total of 4,985 suspected cases and 2,461 deaths (3,017 laboratory confirmed cases). Many experts believe that the official numbers substantially understate the size of the outbreak, because of families' widespread reluctance to report cases. The death rate with the provided statistics for this outbreak is 55 percent.

Please see the NDDoH Ebola fact sheet for specific information regarding risks, symptoms, spread and treatment. Link for the Ebola fact sheet: <http://www.ndhealth.gov/disease/ebola/default.aspx>

NDDoH and Local Public Health Units (LPHU) are doing outreach to help prepare for and prevent an outbreak in ND.

NDDoH has offered education to: Healthcare, Universities, Business and Public via webcast. There is an additional Webcast from Dr. Mateo on clinical management. Total of five live webcast were aired and archived.

Contact has been made to the ND University System regarding student returning from the “hot zone” area of Africa. All students that are coming back from the hot area are asked to check temperatures twice a day for 21 days from last exposure. LPHU are being asked to assist the universities in monitoring temperatures of any students and family member who have recently arrived from the area.

Thermometers are also being provided by the NDDoH if needed. Education sheets, assessment tool and algorithm are available on the NDDoH website for healthcare setting, universities, business and the public. The NDDoH has prepositioned Personal Protective Equipment (PPE) to eight regional EPR offices in the state. This PPE can be requested by any health facility if an outbreak occurs. Travel to the hot zone area is discouraged but if you must travel you are being asked to check temps 21 days after return. LPHU that offer travel vaccination clinics are asked to offer education about Ebola to anyone traveling to Africa and to monitor their status after returning.

5. Quality Improvement in Public Health – Renae Moch

- “Quality improvement in public health is the use of a deliberate and defined improvement process, such as Plan-Do-Check-Act, which is focused on activities that are responsive to community needs and improving population health.
- “It refers to a continuous and ongoing effort to achieve measurable improvements in the efficiency, effectiveness, performance, accountability, outcomes, and other indicators of quality in services or processes which achieve equity and improve the health of the community.”

What is Quality Improvement?

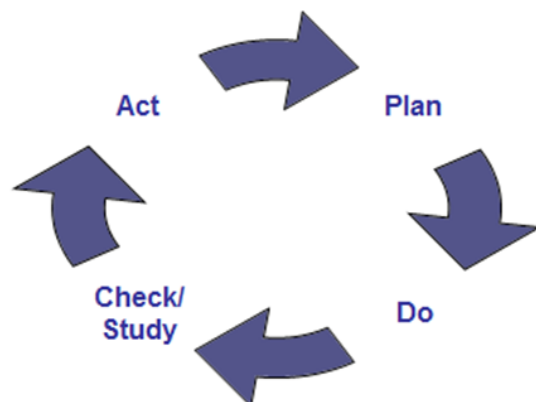
“Ongoing efforts to achieve measurable improvements.”

- Getting better all the time
 - A commitment to continuously improve the quality of the services provided in the community.
 - Every public health agency must satisfy customers, stakeholders, and employees to survive in the future.

QI Committee - Goals for 2014

- Develop a culture of “quality improvement” at Bismarck-Burleigh Public Health.
- Define “quality improvement” (QI) and identify how quality assurance (QA) fits into the Quality Improvement Plan.
- Develop and implement a quality improvement implementation tool to utilize for QI projects at Bismarck-Burleigh Public Health.

Continuous Improvement



6. Future Board of Health Meeting Topics – Renae Moch

President Seminary asked if flu shots are available. Ms. Moch said that the first clinic open to the public is October 6th but there will be a clinic for city employees and their families on October 2nd.

Commissioner Askvig said it would be interesting for future BOH meeting would be changing role of public health with the health care reform

Commissioner Grossman asked about hot topics for Public Health agencies around the state.

7. Adjourn

The City Board of Health adjourned at 5:36 p.m. and convened as the Board of City Commissioners.

MEETING OF THE BOARD OF CITY COMMISSIONERS

SEPTEMBER 23, 2014

The Board of City Commissioners met in regular session on September 23, 2014 at the hour of 5:37 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Grossman, Guy, Askvig and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. The Board of City Commissioners considered approval of the minutes of the special meeting on September 5, 2014 and regular meeting on September 9, 2014.

Commissioner Grossman made a motion to approve the minutes. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1049504 to 1049858.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered the approval of applications for tax abatement for Disabled Veteran Credit and Physical/Functional Obsolescence.

D. The Board of City Commissioners considered the request from the Human Resources Department for approval of the new Customer Service Group job descriptions and salary grades for the Public Works Utility Operations department.

E. The Board of City Commissioners considered the following requests from the Bismarck Parking Authority:

- Sole source purchase and installation of an automated pay station for the 3rd Street and Main Avenue Ramp.

At the September 11, 2014, meeting of the Parking Authority, the members reaffirmed their wish to proceed with the purchase and installation of an automated pay station for the 3rd & Main Ramp. The cost is \$44,750, which includes installation.

They further request authority to proceed with a sole source purchase. The reason for the request is the lack of vendors other than Amano McGann whose equipment will fully integrate with our current system.

- Insurance repairs to the 6th Street Skywalk.

A subcontractor working on the 6th Street Ramp ran a concrete pumper truck with its boom partially extended into the skywalk doing a fair amount of damage. They are insured with EMC Insurance.

It is a bit of a complex repair and finding materials to match and a contractor to do the repair has been difficult. The Bismarck Parking Authority (BPA) has found the materials and Missouri River Contracting has agreed to do the repair at the price of \$27,980.00.

The BPA is requesting relief from the public bid requirement because:

- 1) The cost will be reimbursed by EMC Insurance.
- 2) We will have difficulty finding someone who would go through the bid process.
- 3) The season is getting late and BPA wants to try to complete the job yet this fall.

F. The Board of City Commissioners considered the request from Bismarck Airport to consider a Release and Settlement Agreement for wetland mitigation.

This agenda item is related to four items that the Airport brought to the Board on September 9, 2014. Those items were an option for a land easement, an engineering agreement and two wetland mitigation bids all to get actual construction started that will remove wildlife attractants on Bismarck Airport.

This Release and Settlement Agreement is with Geraldine Dutton. Bismarck Airport has acquired easements for a term of 99 years on real property adjacent to Dutton's real property (Dr. Hieb & Doug Goehring). The purpose of the release and settlement agreement is to allow the Airport to maximize the potential of the easements on the Hieb and Goehring property on which the Airport will build mitigation to allow water storage on those properties (wetlands). At maximum elevation, Mrs. Dutton's property could experience a raise in the groundwater level over its current level. The rise in groundwater level could impact Dutton's property and some damage to the property could occur due to increased soil saturation.

The agreement provides a lump sum payment of \$28,700.00, for the intermittent increase in soil saturation levels over the current levels for the life of the city's adjacent property easements. Nothing in the Agreement gives the city any right to enter onto Dutton's property without Dutton's permission, and the city acquires no easement or other surface rights in Dutton's property. The agreement is intended to be a full and final release of all claims that arise from any rise in groundwater level on Dutton's property.

The Release and Settlement Agreement will be reimbursed at 90% by Federal Aviation

Administration grant. This expenditure was planned for in the project budget approved by the Board on September 9, 2014.

G. The Board of City Commissioners considered the approval of bonds and contracts for:

- Sewer Improvement District 555/Water Improvement District 323 (Cofell's Plumbing & Heating, Inc.)
- Sewer Improvement District 557 (Tand Construction, LLC)

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FIFTY-FIVE (555)/
WATER IMPROVEMENT DISTRICT NUMBER THREE HUNDRED TWENTY-THREE
(323)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Cofell's Plumbing & Heating, Inc. for the construction of Sewer Improvement District Number Five Hundred Fifty-Five (555)/ Water Improvement District Number Three Hundred Twenty-Three (323) are hereby approved.

Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nayes: None, the motion carried.

The Board of City Commissioners then had before it for consideration the request for approval of the bond and contract on the following improvement district, completing the legal requirements as required by the N.D.C.C.

Commissioner Grossman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING CONTRACT AND CONTRACTOR'S BOND
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FIFTY-SEVEN (557)

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota that the bond and contract furnished by Tand Construction, LLC for the construction of Sewer Improvement District Number Five Hundred Fifty-Seven (557) are hereby approved.

Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

H. The Board of City Commissioners considered the request from the Finance Department for approval of and bring Resolutions Directing Special Assessments to be Levied before the Special Assessment Commission.

Please schedule the request for Resolutions Directing Special Assessments to be Levied for the following improvement districts as an item on the September 23, 2014 City Commission agenda. The assessment lists have been published in the Bismarck Tribune as required. Approval of this resolution allows the Special Assessment Commission to meet September 25, 2014 to hear objections to these assessments and confirm the assessment lists for these districts:

	<u>Total Assessment</u>
Sewer Improvement District No. 100	\$1,054,236.85
Sewer Improvement District No. 150	\$ 206,617.20
Sewer Improvement District No. 158	\$ 592,550.00
Sewer Improvement District No. 535	\$ 250,189.68
Sewer Improvement District No. 537	\$ 53,959.69
Sewer Improvement District No. 542	\$ 1,147,001.08
Street Improvement District No. 458	\$ 2,462,999.19
Street Improvement District No. 459	\$ 2,065,491.38
Street Improvement District No. 460	\$ 2,221,257.85
Street Improvement District No. 463	\$ 1,066,035.20
Street Improvement District No. 464	\$ 2,605,812.26
Street Improvement District No. 465	\$ 3,083,604.54
Street Improvement District No. 467	\$ 776,080.85
Street Improvement District No. 470	\$ 1,504,941.17
Street Improvement District No. 471	\$ 1,597,020.27
Street Improvement District No. 474	\$ 810,867.42
Street Improvement District No. 475	\$ 1,001,867.55
Water Improvement District No. 100	\$ 105,648.63
Water Improvement District No. 148	\$ 500,700.00

I. The Board of City Commissioners considered the following requests from the Engineering Department:

- Approval of Air Rights Easement and Encroachment and Waiver Agreements with Sanford Health for skywalk across Seventh Street.

Sanford Health - Bismarck has finalized its plans for a pedestrian skywalk across Seventh Street from the fourth floor of its medical facility located on the west side of the street to the third floor of the UND Medical Center located on the east side. The vertical clearance between the street surface and the bottom of the skywalk will be approximately 26.5 feet. The exterior dimensions of the skywalk will be 12 feet in width and 18.33 feet in height. An Air Rights Easement Agreement has been prepared to allow the installation and maintenance of the skywalk within the public right-of-way (included in the agenda packet).

In addition, several of the proposed building elements will encroach upon a portion of Seventh Street between Rosser Avenue and Thayer Avenue. An Encroachment Agreement and Waiver has been prepared to permit the installation and maintenance of said pile caps, bollards, and columns on Seventh Street between Rosser Avenue and Thayer Avenue (included in the agenda packet).

Staff recommends approval of the Air Rights Easement Agreement, as well as the Agreement and Waiver for the encroachment of the above building elements.

- Approval of Dakota Carrier Network Encroachment and Waiver Agreement at various locations.

Dakota Carrier Network has requested permission to install and maintain privately owned fiber optic cable within the public rights-of-way as shown on the maps per the Agreement and Waiver (included in the agenda packet). Staff recommends approval of the Agreement and Waiver for the fiber optic cable's encroachment on the rights-of-way.

- Approval of various utility locations agreements for proposed 2015 North Washington Street Reconstruction Project.

The proposed 2015 reconstruction of North Washington Street from Calgary Avenue to 5th Avenue will require portions of the existing private utilities to be relocated as a result of elevation changes in the roadway and adjacent properties during the conversion of the roadway from a rural road section to an urban street section. Representatives from the city's engineering consultant on this project, Kadrmas, Lee, and Jackson, have met with the various utilities and reviewed the project plans to ascertain the extent of the impacts. The five Utility Relocation Agreements detail the specifics, including the cost estimates, of the various relocations necessary for each

identified private utility, and are similar to the forms and process used in our previous federal aid projects in the recent past (included in the agenda packet). They are as follows:

MDU Gas:	\$5,175
MDU Electric:	\$5,195
Century Link:	\$31,882
Capital Electric	\$23,500
Midcontinent Communications	<u>\$12,028</u>
Total Estimated Cost:	\$77,780

Action requested of the Board would be to accept the Utility Relocation Agreements as presented and authorize President Seminary to affix his signature to the agreements.

J. The Board of City Commissioners considered approval of a change order with Weisz and Sons, Inc. for a time extension and a contract amount reduction for the Washington Street Flood Gate Repairs.

This change order includes an increase for debris removal and a deduction for reduced traffic control and lower than expected gate repairs.

Item	Increase/Reduction
Debris removal from gate outfall	\$1,717.38
Gate rehabilitation work per specification 11280S – Gate Rehabilitation Equipment	\$10,759.78
Contractor Required Bid Price for Bid Item No. 5 – Roller Gate Rehabilitation	(\$25,000.00)
Reduction in Bid Item No. 2 Traffic Control	(\$2,500.00)
Total Contract Reduction	(\$15,022.84)

K. The Board of City Commissioners considered a request from the Police Department for approval to sell seized/forfeited vehicle through Northland Auto Auction.

The department is requesting authorization to sell a vehicle that has been forfeited to the Bismarck Police Department through the formal court process. The vehicle is a 2007 Dodge Caliber. Staff is requesting authorization to sell the vehicle through a public auction conducted by Northland Auto Auction in Mandan.

Upon the sale of the vehicle, 20% of the net proceeds are distributed to the Burleigh County State's Attorney, based on the department's existing agreement concerning the allocation of property forfeitures. The remaining 80% will be deposited in the Police Department's asset forfeiture account.

City staff believes they will receive a better sale price at Northland Auction than would be received at the regular City Auction. The auction fee/commission is comparable between Northland Auction and the City Auction contract.

L. The Board of City Commissioners considered a request from the Bismarck Civic Center for approval to pay for engineering support for changes in the scope of the construction contract for boiler replacement and piping project.

This change in the professional service contract with Karges-Faulconbridge, Inc. is for \$22,701.00 for work on the Civic Center boiler replacement and piping project engineering project. A copy of the letter explaining the fee was included in the agenda packet. Charlie Jeske, Civic Center General Manager, has visited with Sheila Hillman, Finance Director, and it was decided that funding would come through the hospitality tax to pay for these services.

M. The Board of City Commissioners considered a request from the City Attorney for the introduction of and call for a public hearing on Ordinance 6086 relating to the Emergency Vehicle Preemption System (EVPS).

ORDINANCE NO. 6086

AN ORDINANCE TO AMEND SECTION 12-03-05.1 OF THE CITY OF BISMARCK CODE OF ORDINANCES RELATING TO THE EMERGENCY VEHICLE PREEMPTION SYSTEM (EVPS).

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 12-03-05.1 relating to Emergency Vehicle Preemption System (EVPS) is hereby amended and re-enacted as follows:

12-03-05.1. Emergency Vehicle Preemption System (EVPS).

1. EVPS is a traffic control system designated for use by authorized emergency vehicles and authorized City snow removal vehicles and apparatus. EVPS is intended to improve traffic movement and safety and efficiency during emergency responses and during snow removal operations by temporarily taking control of signalized intersections. The EVPS is comprised of four (4) separate components: An emitter, a detector, an indicator light, and a phase selector/discriminator. The infrared emitter (a high intensity light source) is mounted on an ~~emergency~~ authorized vehicle and functions similar to a strobe light, pulsating at a frequency set by the manufacturer. As an ~~emergency~~ authorized vehicle approaches the intersection, a detector that is located at or near the traffic signal receives the pulsating light. The detector sends an encoded message to the phase selector/discriminator located in the traffic signal

control cabinet, which then either holds the existing green light for the approaching ~~emergency~~ authorized vehicle or accelerates the normal cycle of the signal to provide a green light by the time the ~~emergency~~ authorized vehicle reaches the intersection. The indicator light located near the detector, ~~which~~ is directed toward the oncoming ~~emergency~~ authorized vehicle to inform the driver whether or not the traffic signal has been preempted in their favor.

2. The EVPS may be utilized in connection with emergency responses, maintenance and snow removal operations as follows:

A. Class A Authorized Emergency Vehicles owned or authorized by the City shall use EVPS while on emergency responses only. All emergency responses utilizing the EVPS must comply with the requirement for flashing lights and sirens contained in Section 12-03-04(b)(2). Unless otherwise approved by the City, in writing, all other use of the EVPS is prohibited. The Fire and Police Departments shall develop procedures for the use of the EVPS. Primary jurisdictional responsibility and assignment of priorities shall remain with the City.

B. The EVPS may be activated by authorized personnel for periodic testing, maintenance or repair of the system. Sirens and flashing red lights need not be activated except when the test vehicle exceeds the posted speed limits.

C. EVPS may be used by public works employees only while engaged in snow removal operations in vehicles or apparatus owned by the City pursuant to policies and procedures promulgated by public works. EVPS for snow removal operations shall be permitted a second tier priority in the EVPS and is subject to preemption by authorized Class A Emergency Vehicles. Public works employees utilizing the EVPS shall obey all traffic signals and traffic laws.

DC. The use of the City's EVPS by non-City Class A emergency vehicles is allowed only if specifically authorized by the City of Bismarck.

1. A request by an outside agency for authorization to utilize the EVPS should be submitted in writing to the City Administrator. Submittal shall also include a copy of the requesting agency's certificate of insurance and verification that emergency vehicle operators have completed a comprehensive training program. An application for access to the EVPS ~~System~~ shall be reviewed by a committee consisting of the Fire Chief, Police Chief, and the City Engineer, or their designees. The decision of the Committee shall be final.

3. Penalty. Unauthorized use of the EVPS or other violation of this section shall be an offense.
(Ord. 5040, 04-11-00)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

N. The Board of City Commissioners considered a request from the Community Development Department for introduction of and call for a public hearing on Ordinance 6087 relating to annexation of those portions of KMK Estates and High Meadows 9th Addition not previously annexed, in accordance with the 2007 annexation agreement. The Bismarck Planning & Zoning Commission recommends approval.

ORDINANCE NO. 6087

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA.

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lot A of Lot 3, Lot B of Lot 3, and Lot 4, Block 2, KMK Estates (being replatted as part of High Meadows 12th Addition)

and

Lot 1, Lot 2, the E½ of Lot 5 less Lot A, part of Lot 6 east of High Meadows 5th Addition, and Lot 7, Block 3; and Lot 1 less the N120' of the S220' of the E150', and Lot 2, Block 4, KMK Estates

and

Lot 6 and Lot 7, Block 1, High Meadows 9th Addition

The above described tracts of land contains 36.50 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this Ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

Addendum Items:

O. The Board of City Commissioners considered the following requests from the Public Works Utility Operations Department:

- Approval to accept the donation of a lot for storm water purposes.

Edgewood Village Second Addition, LLLP has constructed a storm water conveyance and detention pond on Lot 9, Block 2 of Edgewood Village Fourth Addition as required by the storm water plan for the plat. They now wish to dedicate this lot to the City at no cost. The facilities would then become part of the public storm water system. City staff are in agreement with this action and would recommend Board approval of the acceptance of this property as shown in the attachment included in the agenda packet.

- Amendment to the project budget for the Water Meter Replacement Project to include installation and reading system.

On July 8, 2014, the City Commission approved an agreement with Itron, Inc. for the replacement of the city's current water meters and meter reading system with a radio read fixed base network. The total contract amount is \$4,277,787.07. At the time this contract was approved, Public Works Utility Operations Director Keith Demke neglected to submit an amended project budget reflecting the cost of the meters and Itron's contract. The amended Project Budget reflecting the two previously approved contracts with Neptune and Itron was included in the agenda packet for Commission approval.

- Approval of a change order with Edling Electric for a contract time extension for the Water Treatment Plan Backwash Reclamation Improvement Project.

This change order extends the final completion date to October 15, 2014.

P. The Board of City Commissioners considered the request from the Engineering Department for a change order with Mariner Construction, Inc. for an additional contract amount and change in contract timeline for Street Improvement District 468.

This change order is for an additional contract amount and change in contract timeline. The increase in cost is attributed to top soiling and seeding in behind the curb not previously included in the bid and additional asphalt due to having to

replace damaged asphalt due to subsurface moisture as the storm sewer project was delayed. Also included in this change order are costs associated with actual quantity adjustments.

The project is substantially complete as of today. The time extension will allow chip sealing to occur next year.

Commissioner Grossman made a motion to approve the consent agenda. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING on request to transfer a Class D liquor license at 2150 East Thayer Avenue from Dakota Gold, Inc. to TBM Group, LLC. (dba Polar Package Place/Lucky's Bar & Lounge).

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

4. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6083 relating to 2015 budget.

PERSONS APPEARING	REMARKS
Robert Graham, Bismarck resident	He feels that budget meetings should be televised and recorded just like all the other city commission meetings; he is not able to get all the information from the city's website that he's been looking for even though city staff has tried to help him; feels the city isn't providing all of the information that it should be.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

5. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6084, which is a revision to previously approved Ordinance 6064, relating to water and sewer trunk line fees, water and sewer main charges, and storm water charges to be

assessed to benefiting property that was outside the city limits at the time of construction to remove one unit.

There were no written or oral comments.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

6. The President of the Board of City Commissioners announced the hour had arrived for the PUBLIC HEARING and second reading on Ordinance 6085 relating to zoning change for High Meadows 12th Addition and approval of the final plat. The Bismarck Planning & Zoning Commission recommends approval.

Kim Lee, Planning Manager, appeared before the Board. Ms. Lee said Daniel Haakenson, Robert & Nadine Schaff, Curt & Diane Wentz and Verity Homes of Bismarck, LLD are requesting approval of the final plat and zoning change for High Meadows 12th Addition. The property is located in northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue. The proposal would include 45 lots on 9.16 acres. The request would replat three parcels (one parcel is a lot in KMK Estates and the other two parcels are half of a lot in KMK Estates) into these 45 lots for one and two-family homes residential development. The three existing homes on the property would remain as single-family homes within this development. Those three parcels would change RR-Residential to R5-Residential and the remainder would be a Planned-Unit Development. The overall density for the entire development is 4.4 units per acre so it is a pretty low-density development.

The Planning & Zoning Commission held a public hearing on these requests and based on the findings contained in the staff report, recommend approval of the zoning change from the RR-Residential zoning district to the R5-Residential and PUD – Planned Unit Development zoning districts as outlined in Ordinance 6085 and also recommended approval of the final plat of High Meadows 12th Addition. Their recommendation on the final plat for High Meadows 12th Addition, which also tied back to the PUD, is with the understanding that all lots to be occupied by single family dwellings be increased to 5,000 square feet.

Commissioner Askvig is concerned that we continue to see PUD's come in versus normal zoning requests. What makes this a fit for a PUD versus R5-Residential when changing from RR-Residential? Ms. Lee said the minimum lot size in the R5 is 7,000 square feet and it is also that for a single-family lot in the R10-Residential; the city doesn't have any districts that go down below 7,000 square feet in area. The reason we are seeing more PUD's are that people are trying to do more affordable housing and in order to get the numbers they need to make the project work, they are looking for smaller lot sizes. Internally, there's been a discussion that maybe it makes sense to take a look at the lot sizes the city uses. Leave the R5-Residential where it is but make

something that would allow you to have a smaller lot size. Staff is hoping to look at that moving forward to create a zoning district that would allow you to have a smaller lot size that would fit some of these kinds of projects where they are looking to do smaller homes. There have been other small projects in the past but 5,000 square feet seems to be the smallest that people are comfortable with. Commissioner Askvig said that would be appropriate with the caveat that we spell out what affordable housing means.

Commissioner Guy asked what makes 4,400 square feet not as good as 5,000 square feet? Ms. Lee said President Seminary asked that same question at the Planning meeting. Ms. Lee said staff was concerned about setting a precedent; everything the city has done so far has been for 5,000 square feet for at least the single-family portion (half of a twin-home has been less). Looking back at older ordinances, the minimum size from 1953 was 7,000 square feet and prior to 1953, it was 5,000 square feet. Staff felt that 5,000 was the minimum standard historically within the community. Commissioner Askvig asked Ms. Lee to research for the future lot sizes needed for financing before making any changes. President Seminary asked if there were any protests. Ms. Lee said no there were not.

There were no written or oral comments.

Commissioner Grossman made a motion to adopt Ordinance 6085 and approve the final plat for High Meadows 12th Addition. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

7. The Board of City Commissioners considered the request from the Civic Center to receive and consider disposition of bids for the Electronic LED Marquee Display.

Charlie Jeske, Civic Center Manager, appeared before the Board and presented the bids received. The city received one bid, from Daktronics, for the 5th Street Marquee.

The bid is as follows:

Equipment	\$158,433
Installation	<u>66,067</u>
Total system (Complete system installed)	\$224,500

The city is responsible for the foundation work and has received a quote for \$16,500. Staff's recommendation is to award both numbers for a total of \$241,000. In speaking with the Sheila Hillman, Finance Director, the Civic Center would borrow the money and pay it back with the first dollars raised through advertising agreements on the new marquee.

Commissioner Askvig made a motion to approve the request with funding from the Bed and Booze and Civic Center funds. Commissioner Grossman seconded the motion.

Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

Civic Center Name Change

Amanda Bakkedahl, Civic Center Sales and Marketing Manager, appeared before the Board. She said since the city manages the arena, the exhibit hall and the Belle Mehus Auditorium, they are looking to update the name to something more encompassing of all of the facilities the city manages. They reached out to the Bismarck-Mandan Development Association (BMDA), Bismarck-Mandan Chamber Board and the Convention and Visitor's Bureau and shared their ideas. Staff also did some search engine optimization on the organic search words used to find out what is going on in our area.

After doing searches, these were the results:

Bismarck Event Center	601,000
Bismarck Events Center	501,000
Bismarck Event Centers	474,100
Bismarck Convention Center	390,500
Bismarck Events Centers	374,100
Bismarck Event Complex	712,000

Ms. Bakkedahl said that even though Bismarck Event Complex had higher numbers, when consulting the area groups and personnel, complex wasn't a word that they wanted to go with. President Seminary asked what steps are required for this name change to occur. Ms. Bakkedahl said right now they are just looking at making the name change and that is to get the channel lettering on the new sign. Then is the possibility for logo changes, letterhead, website, etc. with a marketing plan to be rolled out to aggressively promote it to the public. President Seminary reminded the Board that the city will be responsible for all the costs incurred unless someone approached the city for naming rights. Ms. Bakkedahl said they are open to an organization or business stepping forward. Commissioner Guy is more for Event Center versus Event Complex because our facilities are spread out.

Commissioner Askvig made a motion to change the name to Bismarck Event Center. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

8. The Board of City Commissioners considered the request from the Public Works Utility Operations Department to receive and consider disposition of bids for roof repair at the Water Treatment Plant.

BIDDER	BASE BID AMOUNT
Tecta America	\$753,018
Engineer's Estimate = \$710,000	

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

9. The Board of City Commissioners considered the following requests from the Public Works Service Operations Department:

- Receive and consider disposition of bids for installing traffic signal fiber on Bismarck Expressway.

BIDDER	BASE BID AMOUNT
Edling Electric	\$97,450.00

Jeff Heintz, Public Works Service Operations Director, indicated that the CIP for this project, there is only \$55,011. So after consulting with some of his staff and some Engineering Department staff, he is requesting the board reject the bid and rebid later for the work to be completed in June or so of next year. Most of the electrical contractors have said they are so busy right now and just don't have time to time to get this done so that's the reason for the higher price.

Commissioner Askvig asked for the reason behind all the "short window" projects that we keep seeing. Is there a reason for it? Mr. Heintz said some of the projects are engineered through the city's Engineering Department so that is why this project was later because it was less of a priority than other projects.

Commissioner Grossman made a motion to reject the bid and rebid for completion next year. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

- Receive and consider disposition of bids for waste containers for use in the Solid Waste division.

		Otto	IPL	Cascade*	Rehrig Pacific *	Schaefer Systems International *
90 to 100 gallon solid waste contain	Quantity	2000	2000	2000	2000	2000
	Can Size		95 gal	96 gal	95 gal	95 gal
	Bid Price		\$45.	\$51.	\$50.	\$50.
	Bid Price		\$91,900.	\$102,160.	\$100,720.	\$101,500.
Shipping to Bismarck		\$12,135.00	\$12,540	Included	\$7,500.00	Included
Per can price with			\$52.22	\$51.08	\$54.11	\$50.75
Total Sum Bid FOB			\$104,440.00	\$102,160.00	\$108,220.00	\$101,500.00

Option 1: 90 to 100 "	Can Size	96.8	95 gal	96 gal	95 gal	95 gal
	Bid Price	\$45.	\$60.	\$53.		\$51.6
Option 2: 60 to 70 gallon solid	Can Size	64.8	64 gal	64 gal	65 gal	65 gal
	Bid Price	\$42.	\$52.	\$45.0	\$48.2	\$48.
Option 3: 60 to 70 gallon yard	Can Size	64.8	64 gal	64 gal	65 gal	65 gal
	Bid Price	\$42.	\$52.	\$45.0	\$48.2	\$48.
Option 4: 30 to 40 gallon solid	Can Size	36 gal	32 gal	35 gal	35 gal	35 gal
	Bid Price	\$33.	\$30.	\$35.	\$39.	\$37.

* indicates resin clause

Schaefer Systems International provided the best and lowest bid for the 95 gallon containers at \$50.75/container including shipping.

Staff recommends to the commission that we award the bid to Schaefer Systems International for the 96 gallon containers and also accept options 1 thru 4 for various size and types of waste containers that may be used in our Solid Waste collection operation for the next two years.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

10. The Board of City Commissioners considered the following relating to Sewer Improvement District 543:
- Receive bids
 - Award bids

The President of the Board of City Commissioners announced the hour had arrived for the opening of bids for the construction of Sewer Improvement District Number Five Hundred Forty-Three (543). The Assistant City Administrator presented an affidavit showing publication in the official newspaper of advertisement for bids, the affidavit was examined, found satisfactory and was directed to be placed on file in the office of the City Administration.

The City Engineer then reported that eight sealed bids for the construction of said improvement had been filed in his office prior to the time of this meeting, pursuant to said advertisement, which bids were publicly read and considered, and upon motion duly made, seconded and carried, said bids were directed to be entered upon the minutes of this meeting. The names of each of the bidders and the estimated cost under terms of each bid based on prices proposed by the bidder and quantities estimated by the City Engineer are as follows:

BIDDER	BID AMOUNT*
Basaraba Excavating	\$198,690.00
Quam Construction	\$255,727.75
Markwed Excavating	\$258,353.50
Taylor Excavating & Underground	\$204,220.00
Weisz & Sons Inc.	\$171,220.50
George E Haggart, Inc.	\$174,026.00
Swanberg Construction	\$188,989.00
Force Enterprise	\$221,612.10
* Engineer's Estimate = \$166,396.50	

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION RECEIVING BIDS
AND ORDERING PREPARATION OF ENGINEER'S STATEMENT
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FORTY-THREE (543)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. The Assistant City Administrator is hereby directed to enter upon the minutes of this meeting all bids received for the work and material required for the work to be done in Sewer Improvement District Number Five Hundred Forty-Three (543).

2. The engineer is hereby directed to make a careful and detailed statement of the estimated costs of said bids and upon receipt of the same the Board of City Commissioners shall take such other and further action with reference to said bids as shall be deemed necessary and expedient.

Commissioner Askvig seconded that motion. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

Commissioner Grossman introduced the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR THE CONSTRUCTION OF
SEWER IMPROVEMENT DISTRICT NUMBER FIVE HUNDRED FORTY-THREE (543)**

BE IT RESOLVED by the Board of City Commissioners of the City of Bismarck, North Dakota, as follows:

1. Notice of advertisement for bids for the construction of Sewer Improvement District Number Five Hundred Forty-Three (543) having been duly published, and all bids received pursuant to said notice having been considered, it is hereby found and determined that the lowest responsible bidder whose bid complies with law and the terms of said advertisement is \$171,220.50 of Bismarck, North Dakota, and the estimated bidder's proposal for the construction of the work is \$171,220.50.

2. Upon the furnishing by the successful bidder of a contractor's bond in the sum not less than the amount of the contract as above estimated, with a surety company authorized to do business in the State of North Dakota, conditioned as required by the provisions of Section 40-22-31 of the North Dakota Century Code, which bond shall be furnished within ten days from the date hereof, a contract for the performance of said work pursuant to the plans and specifications on file in the office of City Administration shall be made and executed by the President and countersigned by the Assistant City Administrator.

3. The Special Assessment Analyst is hereby authorized and directed to retain the bidder's bond furnished by the successful bidder pending the approval of the contractor's bond and the execution of the construction contract, and to return the bonds of the other bidders forthwith.

Commissioner Askvig seconded that motion on the foregoing resolution. Upon roll call, the Commissioners voted as follows. Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried and said resolution was declared duly passed and adopted.

11. The Board of City Commissioners considered request from the Engineering Department for approval of the Cost Participation Agreement for Construction of Federal Aid Project at the 43rd Avenue and Centennial Road intersection.

This project is for the installation of a traffic signal system and roadway lighting at the intersection of 43rd Avenue East and Centennial Road in anticipation of the opening of Legacy High School in the Fall of 2015 and rapid development in the area near this intersection.

One copy of the NDDOT's Standard Cost Participation Agreements for the installation of a traffic signal system and roadway lighting have been circulated through our customary contract review and approval process and are attached.

Action requested of the Board is the approval of the Agreements between the NDDOT and the City of Bismarck, and authorization for the Mayor and Administrator Wocken to affix their signatures to the Agreements for forwarding to the NDDOT.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

12. The Board of City Commissioners considered the request from the Human Resources Department for approval of the Compensation Classification consultant selection to review the city's compensation classification system.

The Human Resource Department has requested proposals from qualified compensation consulting firms to review the City of Bismarck's compensation and classification system. A request for proposals was published in the Bismarck Tribune. Proposals were received from five firms by the deadline on Friday, August 1, 2014.

A selection committee comprised of five department heads reviewed the proposals and selected two consultants for interview. Interviews with the two consultants were conducted on September 12th and the selection committee recommended Condrey and Associates to complete the study. With the Board's approval, staff have negotiated a fixed rate contract amount of \$72,500. The board had previously approved a budget amount of \$75,000 in the 2014 budget.

The Human Resource department requests the Board of City Commissioners to approve the selection recommendation of Condrey and Associates and approve the contract amount of \$72,500.

Commissioner Askvig made a motion to approve the request. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes:

Commissioners Grossman, Guy, Askvig and President Seminary. Naves: None, the motion carried.

Addendum Items:

Receive update from Environmental Health Administrator Anton Sattler regarding mosquito control. Mr. Sattler appeared and gave an update by saying they are fogging once a week. The amount of rainfall in August is the reason for the mosquitos now. These are nuisance mosquitos. He has contacted the Department of Health and there have been five cases of West Nile in Burleigh County this year; last year there were 12 cases.

Commissioner Askvig asked about staffing for mosquito control. Mr. Sattler said they hire four seasonal vector staff and they tend to be college students because it's seasonal/temp work. August 20th was their last day. He also said cold mornings aren't conducive to fogging but he did get out and fog this morning

Commissioner Seminary asked about the cost of aerial fogging. Mr. Sattler said fogging would cost us \$2.05 - \$2.40 per acre. Seminary asked if we have ever done that before. Mr. Sattler replied that he doesn't believe so but that fogging is only effective when it comes into contact with the mosquitos themselves

The Board received the update and took no action.

Consider request from the Engineering Department for emergency expenditure funding to correct sanitary sewer issue at the intersection of South 26th Street and Morrison Avenue.

Recently it was determined that an error occurred during the design of the sanitary sewer connection from the west half of the Trillium 4th Addition to the existing sanitary sewer manhole located in the intersection of South 26th Street and Morrison Avenue. In addition to the recently installed 8 inch sanitary sewer pipe to serve the Trillium 4th Addition to the east, the manhole also contains a 36 inch diameter pipe that currently carries all of the flow from the South 26th Street lift station, located approximately one-half mile north of the manhole, and a 24 inch diameter pipe from the south, which serves the Sykes, US Healthcare, and Airway Avenue Addition portions of our community.

When the 26th Street lift station pumps cycle on, the 36 inch pipe flows approximately one-half full, which in turn surcharges the sanitary sewer manhole to a depth that completely submerges the newly installed 8 inch sanitary sewer, allows some backflow to enter the 8 inch pipe, and impedes the flow within the 8 inch pipe. The corrective action will require a permanent bypass of the majority of the sanitary sewer flow from the lift station around the manhole.

Currently we are in the process of seeking quotes from local contractors to complete the bypass work. Time is of the essence as this work will need to be completed prior to the installation of concrete pavement on this portion of South 26th Street this fall, as well as to ensure operational functionality for the Trillium 4th sanitary sewer to likewise permit the concrete paving of the streets in that addition during this construction season.

Our estimate of the cost of this bypass work is in the range of \$100,000-\$150,000, not including approximately \$20,000 for materials. Action requested of the Board is to authorize the work to proceed as an emergency expenditure to expedite the completion of the sanitary sewer bypass and related work in a timely manner, as well as to determine a potential source of funding for the associated costs.

Commissioner Grossman made a motion to approve the request with payment coming from highway construction funds. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

13. The Board of City Commissioners held discussion on city economic and business development efforts.

President Seminary said last night he received a phone call from the candidate and she has withdrawn her name from consideration. He believes we should table the search efforts for the time being and focus on upcoming legislative session. This is a team effort that will be led by President Seminary, City Administrator Bill Wocken and Assistant City Administrator Keith Hunke and they will come back before this Board for consideration, one of them being 66th Street.

Commissioner Askvig said he thinks we need a much stronger presence at this next legislative session because there are a lot of “asks” and if we don’t ask, we won’t have our needs met. The state needs to know what we need. The legislative session has already started; it’s right now.

Commissioner Askvig made a motion to close the current job opening for the Business Development Director. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig and President Seminary. Nays: None, the motion carried.

14. The Board of City Commissioners considered the ongoing project agenda.

Commissioner Grossman has been having discussions with Combined Communications combining forces with Morton County/Mandan. This would share technology, resources, personnel, etc. The discussions are moving ahead. The connectivity will be helpful if something happens in Mandan and goes into Bismarck and vice versa. He will bring something forward in the next few weeks.

He also read a letter from Allan Lukes who participated in the Citizens Police Academy and the positive comments he had for Office Kai Engstrom.

Commissioner Guy said a developer has contacted the city and they are looking to do 50 to 60-unit affordable apartment complex for residents over age 55. That is a demographic that really needs that kind of housing.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 7:10 p.m.